



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

February 23, 2005

Docket No. 03036810
Control No. 136258

License No. 19-30986-01

Edward L. Kessler
Executive Vice President
Advanced Program & Systems, LLC.
15 Englewood Road
Baltimore, MD 21210

SUBJECT: ADVANCED PROGRAM & SYSTEMS, LLC., REQUEST FOR ADDITIONAL INFORMATION CONCERNING APPLICATION FOR NEW LICENSE, CONTROL NO. 136258

Dear Mr. Kessler:

This is in reference to your letter dated December 31, 2004 applying for a Nuclear Regulatory Commission license. In order to continue our review, we need the following additional information:

1. As a result of telephone conversations on February 1 and 7 with Rodney Dodd, we understand that the Sealed Source and Device (SSD) Registration for the device you are planning to upgrade is No. NR-1065-D-101-E. This SSD Registration is currently held by Powertronic Systems, Inc., located in New Orleans, Louisiana. The registration was issued based on commitments made by Powertronic Systems, Inc. as described in five letters and the enclosures to those letters. These commitments include procedures for their quality assurance program and quality control procedures. Your application does not provide sufficient information regarding the process you will use to "design, manufacture and install" upgraded replacement components for this device to determine if the upgraded components will alter the design as approved in SSD Registry No. NR-1065-D-101-E. Such upgrades appear to exceed the activities which would be considered routine maintenance that could be performed by anyone authorized by a specific license to perform such activities, and these changes may not meet the current basis for the registration of this device. In addition, the original prototype test results may not apply.
 - a. Provide information from Powertronic Systems, Inc. that demonstrates that you have received all information provided by them to support their registration of the devices, and confirm that you will meet all such commitments.
 - b. If you cannot obtain the required information, programs, and procedures from Powertronic Systems, Inc., you will have to apply for a SSD evaluation and register your device separately. The guidance in NUREG-1556, Volume 3, Revision 1, "Consolidated Guidance About Materials Licenses, Applications for Sealed Source and Device Evaluation and Registration (NUREG-1556, Vol. 3)" should be used. This guidance document can be found at the web address

listed below. The request for a SSD evaluation should be sent to the address in Chapter 7 of NUREG-1556, Vol. 3. You will need to provide design information and drawings, quality assurance programs and quality control procedures, prototype testing results, radiation profiles, labeling information, and the operating manual.

2. If you will be distributing this upgraded device to persons who are authorized to possess it under the general license in 10 CFR 31.5, you will need to apply to the Region I office for a license for such distribution using NUREG-1556, Volume 16, Revision 1, "Consolidated Guidance About Materials Licenses, Program-Specific Guidance About Licenses Authorizing Distribution to General Licensees". If you will be distributing this upgraded device to persons who would be exempt from licensing, you will need to apply to the NRC office in Rockville, using the guidance in NUREG-1556, Volume 8, "Consolidated Guidance About Materials Licenses, Program-Specific Guidance About Exempt Distribution Licenses."
3. We cannot issue a license without a location of use. As discussed during telephone conversations with Rodney Dodd, the license number issued identifies the state of the mailing address for the license. At this time, we assume that your mailing address will remain located in Maryland. If you change the mailing address to another state, a new license will be issued with a license number that indicates the state of the new mailing address.

Current NRC regulations and guidance are available at the NRC Web sites listed below or by contacting the Government Printing Office (GPO) toll-free at 1-888-293-6498. The GPO is open from 7:00 a.m. to 9:00 p.m. EST, Monday through Friday (except Federal holidays).

We will continue our review upon receipt of this information. Please reply to my attention at the Region I Office and refer to Mail Control No. 136258. If you have any technical questions regarding this deficiency letter, please call me at (610) 337-5040.

If we do not receive a reply from you within 30 calendar days from the date of this letter, we shall assume that you do not wish to pursue your application.

Sincerely,

Original signed by Elizabeth Ullrich

Betsy Ullrich
Senior Health Physicist
Commercial and R&D Branch
Division of Nuclear Materials Safety

NRC Web site addresses

1. NRC regulations
<http://www.nrc.gov/reading-rm/doc-collections/cfr/>

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2. Licensing guidance
<http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1556/>
3. General Policy and Procedure for NRC Enforcement Actions
<Http://www.nrc.gov/what-we-do/regulatory/enforcement/enforc-pol.pdf>
4. 206 of the Energy Reorganization Act of 1974
<http://www.nrc.gov/who-we-are/governing-laws.html>

cc:
Rodney Dodd, Radiation Safety Officer

DOCUMENT NAME: E:\Filenet\ML050580008.wpd

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